



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

GK/KCB/DEL/SMF/NG  
F. #2018R01401

*271 Cadman Plaza East  
Brooklyn, New York 11201*

December 4, 2024

By ECF

The Honorable Diane Gujarati  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Cherwitz, et al.  
Criminal Docket No. 23-146 (DG)

Dear Judge Gujarati:

The government writes to respectfully request a one-week extension of time to file the parties' joint requests to charge the jury in the above-captioned case.<sup>1</sup>

Specifically, the Court initially ordered the parties to provide the joint requests by November 8, 2024. In connection with that deadline, the government provided its initial proposed jury instructions to the defendants approximately 10 days prior to that deadline so that the parties could work toward a joint filing. The defendants did not respond until 8:30 p.m. the night before the November 8 filing deadline, raising new issues requiring the government to request additional time from the Court to consider.

At the last status conference in this case, on November 15, 2024, the Court ordered the parties to file the joint requests to charge on or before December 5, 2024. On November 20, 2024, the government provided a draft of the joint requests to the defendants and requested a response at some point the following week so that the government could review and incorporate any comments to provide the Court with a joint filing. The defendants did not respond until last night at 11 p.m., effectively, once again, providing the government with their

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<sup>1</sup> The Court's order provided that "[r]equests to charge must contain citations to supporting authority. The parties should endeavor to agree upon the requests to charge, to the extent possible, and must submit a single, joint document setting forth all agreed-upon requests to charge and, where no agreement is reached, each party's proposed charge and/or one party's proposed charge with an explanation of any other party's objection to that charge." ECF Dkt. No. 86.

comments the day before the joint submission deadline. The government is in the process of reviewing the defendants' new and lengthy comments. The government anticipates having objections and analysis to certain of the defendants' comments, and to potentially agreeing to others (and potentially obviating the need for the Court to review legal analysis on issues on which the parties may agree). But given the timing of when the defendants provided their response to the government, the government is unlikely to be able to evaluate, respond, provide comments back to the defendants and incorporate the defendants' response prior to tomorrow's deadline.

Accordingly, the government respectfully requests a one-week extension of time to file the parties' joint requests to charge.

Respectfully submitted,

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